

It should not be a surprise to any of us that when government stands in the way of commerce, stands in the way of an economy, usually people find a way around it. Tragically enough, it happened. But, by definition, it was an illegal way.

Last year, in our country, there were 2 months in which we were a net importer of food. This year, it is guesstimated it could be in as many as 6 months that we will be a net importer of food, and that will be the first time, in the history of American agriculture, that becomes the situation. So why we are here on the floor today debating a piece of a much broader overall immigration problem is because it is urgent, it is important we deal with it, and we deal with it now as thoughtfully and as thoroughly as we can. That is why I insisted that the Senate come to this issue.

I am glad my colleagues have come up with an alternative. I think the provisions in it are quickly thought up. They were criticizing my bill earlier because I offered a temporary visa. They offer a visa. They offered it for 3 years—3 years—as many as 9 years. What I am glad to hear said, for those who argue what we were doing was an amnesty issue, is that it is no longer viewed as that, that we recognize there is a legitimate need for an American agricultural workforce, and it is critically necessary we make it a legal workforce for the sake of our country, for the sake of our borders, and for the sake of American agriculture.

That is what this debate will be all about in the next several hours and tomorrow morning before we vote on this issue. Both sides have accepted a rather unusual procedure, Mr. President—a supermajority procedure. Why? Well, we are germane to this supplemental bill because of what the House did earlier with a Sensenbrenner amendment dealing with what is known as REAL ID. It dealt with immigration and, as a result of dealing with immigration in the House, we were legitimized to do so, in a germane way, in the Senate. We will do that.

At the same time, we all understand that in legislative procedures, on cloture 60 votes are required. We have agreed to do so. Tomorrow, we will vote—first on the Chambliss-Kyl amendment and then on the Craig amendment. It will require 60 votes to proceed. Whether we succeed or fail—and I think I can succeed—what is most important is that the American people are beginning to hear just a little bit about what they have deserved to hear for the last 1,300 days, since 9/11 awakened us all to the dysfunctional character and the lack of enforcement of immigration law that has been going on for well over two decades. It was so typical of a Congress that wanted to talk a lot about it but do very little about it.

The Senator from Arizona and I and the Senator from Georgia, without question, agree on the critical nature

of American agriculture today. What we also agree on—symbolic by their presence on the floor today, debating the issue and offering an alternative—is that we cannot build the wall high enough along our southern border, we cannot dig its foundation deep enough to close that border off, that it requires good, clear, simple, understandable, functioning law, not unlike the old Bracero Program of the 1950s when we had a guest worker program, when we identified the worker with the work, and they came, they worked, and they went home.

Up until that time, illegal immigration was astronomically high. It dropped precipitously during that period of time when we were identifying and being able to work about 500,000 workers who were foreign national in American agriculture. It was a law that worked.

Then somehow, in the sixties, Congress got it all wrong again. Why? Because they thought they were protecting an American workforce. But what the AFL-CIO found out and why they support my legislation is that there are unique types of employment in this country with which the American workforce will not identify.

I am pleased to hear that the Chambliss-Kyl bill, along with mine, provides a first-hire American approach. We create a labor pool. The employer must first go there, but if that workforce is not available, they do not have to languish there because, in essence, they have a crop to harvest, and the crop is time sensitive. We understand all of that.

I will get to the detail of my bill over the course of the afternoon and tomorrow. This is a bill that for 5 years has been worked out between now over 509 organizations. It is interesting that the Farm Bureau supports the Kyl-Chambliss approach, but they do not oppose my approach. And last year they supported my approach. In other words, they are as frustrated as all of us are about this very real problem of immigration. First they are here and then they are there. What is most important is that we are here on the floor of the Senate this afternoon talking about an issue on which this Senate has been absent way too long.

What the Senator from Arizona, the Senator from Georgia, and I and others who will be on the floor—I see my prime cosponsor Senator KENNEDY is on the floor—believe is that this is an issue whose time is coming, and we believe for agriculture it is now because it is critical and it is necessary. We are learning at this moment that as much money as we throw at the border, as many Border Patrol men as we hire, if the law on the other side does not back them up, if the law on the other side does not create a reasonable pathway forward for a workforce to be legal and a workforce that is necessary in this country, then you cannot put them along the border unless they are arm length to arm length from the Gulf of

Mexico to San Diego. And even then, those folks have to sleep.

The reality is, we have to get the law right, and the law has been wrong for a great long while. In the absence of a functioning, reasonable law, we have set up for our country a human disaster. Not only do we have an uncontrolled illegal population in our country, but because they have no rights, because of the way they are treated, it is not unusual in the course of a given year to see 200 or 300 lose their lives along the southern border of our country, to see our emergency rooms in Texas, Arizona, New Mexico, and California flooded, to see the very culture and the very character and foundation of our country at risk because we do not control process, we do not control immigration, and we do not do so in an upright, legal, and responsible way.

We are here. We are going to debate this for a time, and there will be much more debate tomorrow. We will have some key votes to see whether we proceed to deal with the bill that I call AgJOBS and that 509 organizations across the country that have worked with us for the last 5 to 6 years call AgJOBS. It is a major reform in the H-2A law. It is a simplification. It is a clearer understanding. It is a reasonable process: The blue card, if you will, or the green card that is acceptable, normal, and understandable and provided in a temporary and earned way, as my bill does, is simply a point in transition, and it ought to be viewed as that.

You will hear the rhetoric that it will allow millions of people to become legal. The Bureau of Labor Statistics, the Department of Labor, does not agree with that at all. The Department of Labor says there are about 500,000 who they think will responsibly and legitimately come forward, and of that, there may be dependence of around 200,000 that are already in this country because that workforce has been here 5 or 6 years or more, for that matter. So those numbers are reasonable and realistic, and that is a moment in time, a transition as we create a law and allow American agriculture to work their way into a functioning realistic H-2A program that is timely, that is sensitive, that meets their workforce needs, and recognizes the value and the production of American agriculture.

If we do not correct this law and correct it now, Americans have a choice because we already decided years ago, based on the character of the work, that most Americans would not do it. They had better jobs and alternative jobs. So American agriculture began to rely on a foreign workforce.

I say this most directly, and I mean it most sincerely. Either foreign workers will harvest America's agricultural produce for America's consumers or foreign workers will harvest agriculture in another country to be shipped to American consumers. Ask an American today what they want. They want a safe food supply. They